

HOUSE _____ AMENDMENT NO. ____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 765,
Section A, Page 1, Line 3, by inserting the following after all of said line:

“57.278. 1. There is hereby created in the state treasury the "Deputy Sheriff Salary
Supplementation Fund", which shall consist of money collected from charges for service received
by county or city sheriffs under subsection 4 of section 57.280. The money in the fund shall be
used solely to supplement the salaries of county or city deputy sheriffs. The state treasurer shall
be custodian of the fund and may approve disbursements from the fund in accordance with
sections 30.170 and 30.180, RSMo. The Missouri sheriff methamphetamine relief taskforce
created under section 650.350, RSMo, shall administer the fund.

2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys
remaining in the fund at the end of the biennium shall not revert to the credit of the general
revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other
funds are invested. Any interest and moneys earned on such investments shall be credited to the
fund.

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order

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1 of court, in connection with any civil case, and making on the same either a return indicating
2 service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be
3 served, except that a sheriff shall receive a charge for service of any subpoena, and making a
4 return on the same, the sum of ten dollars; however, no such charge shall be collected in any
5 proceeding when court costs are to be paid by the state, county or municipality. In addition to
6 such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any
7 summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue
8 Service for all allowable expenses for motor vehicle use expressed as an amount per mile,
9 provided that such mileage shall not be charged for more than one subpoena or summons or other
10 writ served in the same cause on the same trip. All of such charges shall be received by the sheriff
11 who is requested to perform the service. Except as otherwise provided by law, all charges made
12 pursuant to this section shall be collected by the court clerk as court costs and are payable prior to
13 the time the service is rendered; provided that if the amount of such charge cannot be readily
14 determined, then the sheriff shall receive a deposit based upon the likely amount of such charge,
15 and the balance of such charge shall be payable immediately upon ascertainment of the proper
16 amount of said charge. A sheriff may refuse to perform any service in any action or proceeding,
17 other than when court costs are waived as provided by law, until the charge provided by this
18 section is paid. Failure to receive the charge shall not affect the validity of the service.

19 2. The sheriff shall receive for receiving and paying moneys on execution or other
20 process, where lands or goods have been levied and advertised and sold, five percent on five
21 hundred dollars and four percent on all sums above five hundred dollars, and half of these sums,
22 when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall
23 not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney.
24 The party at whose application any writ, execution, subpoena or other process has issued from the

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1 court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and support
2 of any property to be seized pursuant to legal process before such seizure. The sheriff shall be
3 allowed for each mile, going and returning from the courthouse of the county in which he resides
4 to the place where the court is held, the rate prescribed by the Internal Revenue Service for all
5 allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this
6 subsection shall not apply to garnishment proceeds.

7 3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury
8 of the county any and all charges received pursuant to the provisions of this section; however, in
9 any county, any funds, not to exceed fifty thousand dollars in any calendar year, except as
10 otherwise provided in subsection 4 of this section and other than as a result of regular budget
11 allocations or land sale proceeds, coming into the possession of the sheriff's office, such as from
12 the sale of recovered evidence, shall be held in a fund established by the county treasurer, which
13 may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any
14 such funds in excess of fifty thousand dollars, except as otherwise provided in subsection 4 of this
15 section and other than regular budget allocations or land sale proceeds, shall be placed to the
16 credit of the general revenue fund of the county. Moneys in the fund shall be used only for the
17 procurement of services and equipment to support the operation of the sheriff's office. Moneys in
18 the fund established pursuant to this subsection shall not lapse to the county general revenue fund
19 at the end of any county budget or fiscal year.

20 4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the
21 sheriff shall receive fifteen dollars for service of any summons, writ, subpoena, or other order of
22 the court included under subsection 1 of this section, in addition to the charge for such service that
23 each sheriff receives under subsection 1 of this section; provided, however, that in charter
24 counties and any city not within a county, the sheriff shall receive five dollars for service of any

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1 summons, writ, subpoena, or other order of the court included under subsection 1 of this section,
2 in addition to the charge for such service that each sheriff receives under subsection 1 of this
3 section. The money received by the sheriff under this subsection shall be paid into the county or
4 city treasury and the county or city treasurer shall make such money payable to the state treasurer.
5 The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund
6 created under section 57.278.

7 _____488.435. 1. Sheriffs shall receive a charge, as provided in section 57.280, RSMo, for
8 service of any summons, writ or other order of court, in connection with any civil case, and
9 making on the same either a return indicating service, a non est return or a nulla bona return, the
10 sum of twenty dollars for each item to be served, as provided in section 57.280, RSMo, except
11 that a sheriff shall receive a charge for service of any subpoena, and making a return on the same,
12 the sum of ten dollars, as provided in section 57.280, RSMo; however, no such charge shall be
13 collected in any proceeding when court costs are to be paid by the state, county or municipality.
14 In addition to such charge, the sheriff shall be entitled, as provided in section 57.280, RSMo, to
15 receive for each mile actually traveled in serving any summons, writ, subpoena or other order of
16 court, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor
17 vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for
18 more than one subpoena or summons or other writ served in the same cause on the same trip. All
19 of such charges shall be received by the sheriff who is requested to perform the service. Except as
20 otherwise provided by law, all charges made pursuant to section 57.280, RSMo, shall be collected
21 by the court clerk as court costs and are payable prior to the time the service is rendered; provided
22 that if the amount of such charge cannot be readily determined, then the sheriff shall receive a
23 deposit based upon the likely amount of such charge, and the balance of such charge shall be
24 payable immediately upon ascertainment of the proper amount of such charge. A sheriff may

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1 refuse to perform any service in any action or proceeding, other than when court costs are waived
2 as provided by law, until the charge provided by this section is paid. Failure to receive the charge
3 shall not affect the validity of the service.

4 2. The sheriff shall, as provided in section 57.280, RSMo, receive for receiving and
5 paying moneys on execution or other process, where lands or goods have been levied and
6 advertised and sold, five percent on five hundred dollars and four percent on all sums above five
7 hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or
8 where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person
9 entitled thereto, his or her agent or attorney. The party at whose application any writ, execution,
10 subpoena or other process has issued from the court shall pay the sheriff's costs, as provided in
11 section 57.280, RSMo, for the removal, transportation, storage, safekeeping and support of any
12 property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed
13 for each mile, as provided in section 57.280, RSMo, going and returning from the courthouse of
14 the county in which he or she resides to the place where the court is held, the rate prescribed by
15 the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an
16 amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

17 3. As provided in subsection 4 of section 57.280, RSMo, in all counties except for charter
18 counties and any city not within a county the sheriff shall receive fifteen dollars for service of any
19 summons, writ, subpoena, or other order of the court included under subsection 1 of section
20 57.280, RSMo, in addition to the charge for such service that each sheriff receives under
21 subsection 1 of section 57.280, RSMo, and in charter counties and any city not within a county the
22 sheriff shall receive five dollars for service of any summons, writ, subpoena, or other order of the
23 court included under subsection 1 of section 57.280, RSMo, in addition to the charge for such
24 service that each sheriff receives under subsection 1 of section 57.280, RSMo. The money

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1 received by the sheriff under subsection 4 of section 57.280, RSMo, shall be paid into the county
2 or city treasury and the county or city treasurer shall make such money payable to the state
3 treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary
4 supplementation fund created under section 57.278, RSMo.

5 650.350. 1. There is hereby created within the department of public safety the "Missouri
6 Sheriff Methamphetamine Relief Taskforce" (MoSMART). MoSMART shall be composed of
7 five sitting sheriffs. Every two years, the Missouri Sheriffs' Association board of directors will
8 submit twenty names of sitting sheriffs to the governor. The governor shall appoint five members
9 from the list of twenty names, having no more than three from any one political party, to serve a
10 term of two years on MoSMART. The members shall elect a chair from among their
11 membership. Members shall receive no compensation for the performance of their duties
12 pursuant to this section, but each member shall be reimbursed from the MoSMART fund for
13 actual and necessary expenses incurred in carrying out duties pursuant to this section.

14 2. MoSMART shall meet no less than twice each calendar year with additional meetings
15 called by the chair upon the request of at least two members. A majority of the appointed
16 members shall constitute a quorum.

17 3. A special fund is hereby created in the state treasury to be know as the "MoSMART
18 Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law.
19 All moneys received for MoSMART from interest, state, and federal moneys shall be deposited to
20 the credit of the fund. The director of the department of public safety shall distribute at least fifty
21 percent but not more than one hundred percent of the fund annually in the form of grants approved
22 by MoSMART.

23 4. Except for money deposited into the deputy sheriff salary supplemental fund created
24 under section 57.278, RSMo, all moneys appropriated to or received by MoSMART shall be

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1 deposited and credited to the MoSMART fund. The department of public safety shall only be
2 reimbursed for actual and necessary expenses for the administration of MoSMART, which shall
3 be no less than one percent and which shall not exceed two percent of all moneys appropriated to
4 the fund, except that the department shall not receive any amount of the money deposited into the
5 deputy sheriff salary supplemental fund for administrative purposes. The provisions of section
6 33.080, RSMo, to the contrary notwithstanding, moneys in the MoSMART fund shall not lapse to
7 general revenue at the end of the biennium.

8 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is
9 created under the authority delegated in this section shall become effective only if it complies with
10 and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
11 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested
12 with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or
13 to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
14 rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and
15 void.

16 6. Any county law enforcement entity or established task force with a memorandum of
17 understanding and protocol may apply for grants from the MoSMART fund on an application to
18 be developed by the department of public safety with the approval of MoSMART. All
19 applications shall be evaluated by MoSMART and approved or denied based upon the level of
20 funding designated for methamphetamine enforcement before 1997 and upon current need and
21 circumstances. No applicant shall receive a MoSMART grant in excess of one hundred thousand
22 dollars per year. The department of public safety shall monitor all MoSMART grants.

23 7. MoSMART's anti-methamphetamine funding priorities are as follows:

24 (1) Sheriffs who are participating in coordinated multijurisdictional task forces and have

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1 their task forces apply for funding;

2 (2) Sheriffs whose county has been designated HIDTA counties, yet have received no
3 HIDTA or narcotics assistance program funding; and

4 (3) Sheriffs without HIDTA designations or task forces, whose application justifies the
5 need for MoSMART funds to eliminate methamphetamine labs.

6 8. MoSMART shall administer the deputy sheriff salary supplemental fund as provided
7 under section 57.278, RSMo."; and

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.

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